

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

OLIVER UDEMBA,)	
)	
Plaintiff,)	
v.)	CIVIL ACTION NO: 05CV 11161 RGS
)	
CUMBERLAND FARMS, INC.)	
AND EMILE C. TAYEH,)	
)	
Defendant.)	

DEFENDANTS' PROPOSED PRETRIAL SCHEDULE

Pursuant to Local Rule 16.1(D), Defendants Cumberland Farms, Inc. ("CFI") and Emile C. Tayeh ("Tayeh") propose the following pretrial schedule.¹

NATURE OF THE CASE

The Plaintiff, Oliver Udemba, is currently employed by Defendant Cumberland Farms, Inc. as an engineer in its Environmental Affairs Department. Defendant Emile C. Tayeh is Udemba's immediate supervisor. Udemba alleges that the Defendants have discriminated against him on the basis of race in the matter of compensation and promotions. The Defendants deny the allegations. Although the Complaint was filed on June 3, 2005, it was not served on the Defendants until September 26, 2005. The Complaint is 14 pages long and consists of 80 numbered paragraphs, and alleges events spanning the past 14 years.

¹ The Defendants though their counsel requested a settlement demand from the Plaintiff *via* telephone on or about October 18, 2005, and by letter on October 27, 2005, but have had no response to that request. By e-mail and by letter on November 17, 2005, the Defendants proposed the pre-trial schedule set forth below to the Plaintiff, but received no response to that, either.

PROPOSED SCHEDULE

Discovery

The Defendants propose that the parties dispense with expert testimony in this case, and that the deposition of Mr. Udemba precede that of Mr. Tayeh.

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| 1. | Defendants will serve interrogatories and requests for production on Plaintiff by | 12/10/05 |
| 2. | Plaintiff will produce documents and serve answers to interrogatories by | 1/10/06 |
| 3. | Defendants will take Plaintiff's deposition by | 2/10/06 |
| 4. | Plaintiffs may serve written discovery requests and notice Mr. Tayeh's deposition, to be taken by | 3/10/06 |
| 5. | All discovery completed by | 4/28/06 |

Motions

- | | | |
|----|---|----------|
| 1. | Motions to amend or for joinder of parties filed by | 12/29/05 |
| 2. | Dispositive motions to be filed by | 6/15/06 |
| 3. | Oppositions to dispositive motions filed by | 6/29/06 |
| 4. | Reply briefs, if any, filed by | 7/14/06 |
| 5. | This case should be ready for trial by | 9/4/06 |

CERTIFICATION

The undersigned Philip J. Moss, Esq. hereby certifies that he has conferred with Mark G. Howard, Esq., Chief Legal Officer, General Counsel & Corporate Secretary of Cumberland Farms, Inc., and with Emile C. Tayeh, (a) with a view to establishing a budget for the costs of conducting the full course, and various alternative courses, of the litigation, and (b) to consider

the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in LR 16.4.

DATED at Portland, Maine this 22nd day of November, 2005.

CUMBERLAND FARMS, INC. and
EMILE C. TAYEH,

By their attorneys,

MOON, MOSS & SHAPIRO, P.A.
Ten Free Street
P. O. Box 7250
Portland, ME 04112-7250
(207) 775-6001

/s/ Philip J. Moss

Philip J. Moss BBO# 358020